

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 6th day of July, 2011 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight Mayor
Phillip Hyatt Mayor Pro Tempore
James A. Mills Council Member
Ross McElwee Council Member
Vickie Abrego Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
Reggie Winters City Manager

ADMINISTRATIVE
PERSONNEL ABSENT: Yvonne Stonebraker City Secretary

STAFF PRESENT: Carsten Meyer Emergency Management Coordinator
Rickie Kilgore Fire Chief
Earl Buckmaster Harbor Master

OTHERS PRESENT: Don Brummett, Phil & Nell Reynolds, Venus Mills, Commissioner Jack Chaney, Judy Vlasek, Cecil Robles, Mike Moore, Capt. Tom Doran, Gary McRae, Scott Andrews, Terry Stansberry, and Randy & Jeanne Hunter.

There may have been others present who did not sign in.

- 1. CALL MEETING TO ORDER.**

Mayor Knight called the meeting to order at 7:00 P.M. on July 6, 2011.
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States Flag.
- 3. CONSIDER AND ACT ON MINUTES OF JUNE 13 AND JUNE 20, 2011.**

Mayor Pro Tem Hyatt made a motion to approve the minutes of June 13, and June 20, 2011. Council Member Mills seconded the motion and the motion carried unanimously.
- 4. CONSIDER AND ACT ON ACCEPTING MR. CURTIS ATTAWAY’S RESIGNATION FROM THE STORM WATER ADVISORY COMMITTEE AND APPOINTING MS. JUDITH VLASEK TO THE STORM WATER ADVISORY COMMITTEE AS RECOMMENDED BY COMMISSIONER JACK CHANEY.**

Council Member Mills made a motion to accept Mr. Curtis Attaway’s resignation from the Storm Water Advisory Committee and appointing Ms. Judith Vlasek to the Storm Water Advisory Committee as recommended by Commissioner Jack Chaney. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.
- 5. CONSIDER AND ACT ON APPOINTING TWO MEMBERS TO THE ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICT.**

Mayor Pro Tem Hyatt made a motion to appoint Mr. William Ellis and Ms. Karen Mayer to the Aransas Pass Crime Control and Prevention District. Council Member Mills seconded the motion and the motion carried with Council Member McElwee voting no.

6. **PUBLIC HEARING REGARDING AMENDING ORDINANCE NO.1308, ZONING ORDINANCE OF THE CITY OF ARANSAS PASS, AMENDING ALL REFERENCES TO THE HEAVY INDUSTRIAL DISTRICT AND REPLACING WITH HARBOR DISTRICT, AND AMENDING SECTIONS 10-200 "USE CHART", SECTION 11-HI-300 AND SECTION 11-HI-500; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Allen Lawrence opened the Public Hearing at 7:10 PM regarding amending Ordinance No. 1308, Zoning Ordinance of the City of Aransas Pass, amending all references to the Heavy Industrial District and replacing with Harbor District, and amending Section 10-200 "Use Chart", Section 11-HI-300 and Section 11-HI-500; providing a repealer clause and providing for an effective date. He stated all notices were given and posted.

City Attorney Lawrence stated Section 11-HI-300 would give a 2.5 story height limitation on buildings at Conn Brown Harbor. He stated 11-HI-500 would require 100% masonry on all buildings.

Mayor Pro Tem Hyatt stated he was not comfortable making it a requirement for all buildings to have 100% masonry.

The City Attorney asked were there any more comments? Seeing none he closed the public hearing at 7:17 p.m.

7. **CONSIDER AND ACT ON AMENDING ORDINANCE NO.1308, ZONING ORDINANCE OF THE CITY OF ARANSAS PASS, AMENDING ALL REFERENCES TO THE HEAVY INDUSTRIAL DISTRICT AND REPLACING WITH HARBOR DISTRICT, AND AMENDING SECTIONS 10-200 "USE CHART", SECTION 11-HI-300 AND SECTION 11-HI-500; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Council Member McElwee stated the point the Planning and Zoning Board was making by amending Zoning Ordinance No.1308 would make Conn Brown Harbor prosper and increase the value of the harbor leases.

Council Member McElwee made a motion to approve amending Ordinance No. 1308, Zoning Ordinance of the City of Aransas Pass, amending all references to the Heavy Industrial District and replacing with Harbor District, and amending Sections 10-200 "Use Chart", Section 11-HI-300 and Section 11-HI-500; providing a repealer clause; and providing for an effective date. Council Member Abrego seconded the motion. The motion tied with Mayor Pro Tem Hyatt and Council Member Mills voting no. Mayor Knight broke the tie by voting no.

8. **CONSIDER AND ACT ON RESCHEDULING THE JOINT MEETING SCHEDULED FOR MONDAY, JULY 11, 2011 BETWEEN THE CITY OF ARANSAS PASS AND THE ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICT (APCC&PD) REGARDING THE APCC&PD'S 2011-2012 PROPOSED BUDGET.**

Council Member Mills made a motion confirming Monday, July 11, 2011 as the scheduled joint meeting between the City of Aransas Pass and the Aransas Pass Crime Control and Prevention District regarding the APCC&PD's 2011-2012 proposed budget. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

9. **CONSIDER AND ACT ON APPROVING ORDINANCE NO. 2011-3999 – REPEALING ORDINANCE NO. 2010-3970A, CONDITIONAL USE PERMIT FOR AHMAD FARAHNKIAN TO OPERATE A USED CAR LOT.**

Mayor Knight stated Mr. Karahnkian had a Conditional Use Permit to operate a used car lot at 1842 W Wheeler Avenue. He stated Mr. Farahnkian passed away in a car accident and since then, the company has changed owners and has changed the name of the company. Mayor Knight stated the new business is operating without a Conditional Use Permit. He stated Aransas Pass Code Enforcement Officer, Isai Gonzales had approached someone at the business to let them know they were in violation of a City Ordinance and they ran Mr. Gonzales off the property.

Council Member Abrego stated Ms. Farahnkian was having medical problems and asked the Council if they could hold off on repealing Ordinance No. 2011-3999 until Ms. Farahnkian was

well enough to come in and request a Conditional Use Permit under her name. She stated Ms. Farahnkian did change the name of the business.

Council Member McElwee stated there were other matters of the Conditional Use permit that needed to be addressed. He stated one condition was to keep the business neat and clean in appearance and workers were performing maintenance on the vehicles with parts laying all over the place. Council Member McElwee stated the business had a sign issue and they (the business) was selling travel trailers and travel trailers were not a part of the Conditional Use Permit.

Council Member Abrego stated the travel trailers were being sold on the property before Mr. Farahnkian passed away. She stated Mr. Farahnkian should have been approached when the trailers were first placed on the property. She stated she did not approve of the auto workers running off the code enforcement officer. Council Member Abrego stated she just wanted to give Ms. Farahnkian a chance to come in and straighten everything out.

Council Member McElwee stated when the business was approached for a sign ordinance violation, someone at the business spray painted the sign. He stated the business had no respect for the City or its By-laws. Council Member McElwee stated he wasn't thrilled having a business like that in our City and working under someone else's Conditional Use Permit.

Council Member Abrego made a motion to table Ordinance No. 2011-3999 – An Ordinance repealing Ordinance No. 2010-3970A, Conditional Use Permit for Ahmad Farahnkian to operate a used car lot until the first regular Council meeting in August. Council Member Mills seconded the motion and the motion carried with Council Member McElwee voting no.

10. **CONSIDER AND ACT ON A CITY-CONTRACTOR AGREEMENT BETWEEN THE CITY OF ARANSAS PASS AND TFR ENTERPRISES, INC. AS AN EMERGENCY MEASURE TO REMOVE STORM-GENERATED DEBRIS IN ANTICIPATION OF AN EMERGENCY DECLARATION MADE BY THE STATE OF TEXAS FOLLOWING THE LANDFALL OF A HURRICANE IMPACTING THE CITY OF ARANSAS PASS.**

Emergency Management Coordinator (EMC), Carsten Meyer stated agenda item 10 and 11 could be discussed together. He stated once Governor Rick Perry declared a state of emergency, FEMA (Federal Emergency Management Agency) would take over and reimburse the Community, City or County 75% or 90% for debris removal. EMC Meyer stated the following contracts had to be in place before the disaster occurs.

EMC Meyer stated TFR Enterprises, Inc. is the company that would remove all of the debris and level unsafe houses for the City of Aransas Pass. He stated Science Applications International Corporation is the company that would oversee TFR Enterprises, Inc.

Mayor Pro Tem Hyatt made a motion to approve a City-Contractor Agreement between the City of Aransas Pass and TFR Enterprises, Inc. as an emergency measure to remove storm-generated debris in anticipation of an Emergency Declaration made by the State of Texas following the landfall of a hurricane impacting the City of Aransas Pass and a Cooperative Purchasing Agreement for Professional Planning Services between the City of Aransas Pass and Science Applications International Corporation for services including but not limited to security, disaster preparedness and emergency response and recovery services. Council Member Mills seconded the motion and the motion carried unanimously.

11. **CONSIDER AND ACT ON A COOPERATIVE PURCHASING AGREEMENT FOR PROFESSIONAL PLANNING SERVICES BETWEEN THE CITY OF ARANSAS PASS AND SCIENCE APPLICATIONS INTERNATIONAL CORPORATION FOR SERVICES INCLUDING BUT NOT LIMITED TO SECURITY, DISASTER PREPAREDNESS AND EMERGENCY RESPONSE AND RECOVERY SERVICES.**

Approved under agenda item number 10.

12. **CITIZENS' COMMENTS.**

There were none.

13. **RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Knight recessed the Regular Meeting at 7:38 PM.

A. SECTION 551.072 -- DELIBERATIONS REGARDING REAL PROPERTY – CONN BROWN HARBOR LEASES

14. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Mayor Knight Reconvened the Regular Meeting at 8:53 PM.

A. SECTION 551.072 -- DELIBERATIONS REGARDING REAL PROPERTY – CONN BROWN HARBOR LEASES

No action taken.

15. ADJOURNMENT OF MEETING.

Council Member Mills made a motion to adjourn the meeting. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:54 PM.

Tommy Knight, Mayor

ATTEST:

Yvonne Stonebraker, City Secretary